

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TREMAIN VERNON JONES,

Plaintiff,

v.

KENNETH SMITH, et al.,

Defendants.

Case No. 1:10-CV-568

Hon. Gordon J. Quist

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on February 1, 2012. The Report and Recommendation was served on Plaintiff via United States mail on February 2, 2012. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge filed February 1, 2012, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion For Direct Ruling By The Court (docket no. 83), Plaintiff's Request For Entry Of Default Judgment (docket no. 89), and Plaintiff's Motion To Quash Defendant Maynard Failing's Motion To Dismiss (docket no. 96) are **DENIED**.

IT IS FURTHER ORDERED that Defendant Failing's Motion To Dismiss For Insufficient Service Of Process (docket no. 92) is **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** with regard to Defendant's request to quash Plaintiff's defective service of process and **denied** with regard to Defendant's request that Plaintiff's claims against him be dismissed.

Dated: March 6, 2012

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE